

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

HAROLD L. JONES,

Plaintiff,

Case No. 3:21-cv-01342-SB

v.

OPINION AND ORDER

**OREGON HEALTH & SCIENCES
UNIVERSITY,**

Defendant.

MOSMAN, J.,

On October 19, 2021, Magistrate Judge Stacie Beckerman issued her Findings and Recommendation (“F. & R.”) [ECF 5]. Judge Beckerman recommends that I enter judgment dismissing this action, without prejudice, for lack of subject matter jurisdiction, and with leave to refile in state court. Objections were due on November 2, 2021, but none were filed. I agree with Judge Beckerman.

STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

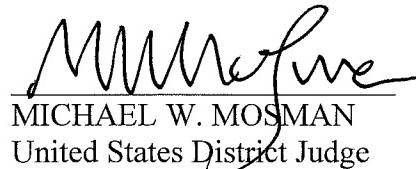
recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendations, I ADOPT her F. & R. [ECF 5] as my own opinion. I dismiss the complaint [ECF 2], without prejudice, for lack of subject matter jurisdiction, and with leave to refile in state court. I DENY AS MOOT the Motion for Appointment of Counsel [ECF 3].

IT IS SO ORDERED.

DATED this 5th day of November, 2021.



MICHAEL W. MOSMAN
United States District Judge